

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DAVID CARTER, :  
Petitioner, : Civil Action No. 11-5394 (NLH)  
v. :  
DONNA ZICKEFOOSE, :  
Respondent. : **MEMORANDUM OPINION**

**APPEARANCES:**

Petitioner pro se  
David Carter  
F.C.I. Fort Dix  
P.O. Box 2000  
Fort Dix, NJ 08640

**HILLMAN**, District Judge

Petitioner David Carter, a prisoner confined at the Federal Correctional Institution at Fort Dix, New Jersey, has filed a Petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging the calculation of his sentence.

The filing fee for a petition for writ of habeas corpus is \$5.00. Pursuant to Local Civil Rule 54.3(a), the filing fee is required to be paid at the time the petition is presented for filing. Pursuant to Local Civil Rule 81.2(b), whenever a prisoner submits a petition for writ of habeas and seeks to proceed in forma pauperis, that petitioner must submit (a) an affidavit setting forth information which establishes that the petitioner is unable to pay the fees and costs of the

proceedings, and (b) a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoners institutional account during the six-month period prior to the date of the certification. If the institutional account of the petitioner exceeds \$200, the petitioner shall not be considered eligible to proceed in forma pauperis. Local Civil Rule 81.2(c).

This matter is before the Court following transfer from the United States District Court for the Eastern District of Pennsylvania. The transfer paperwork does not reflect that Petitioner either prepaid the filing fee or submitted an application for leave to proceed in forma pauperis.

CONCLUSION

For the reasons set forth above, the Clerk of the Court will be ordered to administratively terminate the Petition without prejudice. Petitioner will be granted leave to apply to re-open within 30 days, by either prepaying the filing fee or submitting a complete application for leave to proceed in forma pauperis.

An appropriate Order will be entered.

At Camden, New Jersey

/s/ Noel L. Hillman  
Noel L. Hillman  
United States District Judge

Dated: September 26, 2011